



Lithuania

Country Reports on Human Rights Practices - [2001](#)

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Lithuania is a constitutional parliamentary democracy. The Constitution establishes a 141-member unicameral Parliament; a directly elected president; and a government whose ministers are nominated by the Prime Minister, appointed by the President, and approved by the Parliament. The Government exercises authority with the approval of the Parliament and the President. The Government generally respects the constitutional provisions for an independent judiciary.

A unified national police force under the jurisdiction of the Interior Ministry is responsible for law enforcement. The State Security Department is responsible for internal security and reports to Parliament and the President. The police committed a number of human rights abuses.

The country has a population of 3.491 million. Since its independence in 1990, Lithuania has made steady progress in developing a market economy. The Government continued to move forward with the privatization of large-scale enterprises, such as energy, gas, airline, and railroad companies; most housing and small businesses have been privatized. The largest number of workers (17.7 percent) remained employed in agriculture, but this number has been decreasing gradually. Major exports include mineral products, textiles, machinery, and electronic appliances. Inflation during the year was 2 percent. Per capita gross domestic product (GDP) was \$3,440 (13,773 litas). Real GDP reportedly increased by 5.7 percent. At year's end, unemployment was 12.9 percent (16.5 percent according to a labor market survey conducted in May).

The Government generally respected the human rights of its citizens; however, problems remained in some areas. Police at times beat or otherwise physically mistreated detainees and misused detention laws. The Government made some progress in holding the police accountable for abuses. Prison conditions remained poor, and prolonged pretrial detention remained a problem. There were some restrictions on privacy rights. Violence and discrimination against women and child abuse were serious problems. There were some limits on workers' rights, and there were reports of forced labor. Trafficking in women and girls for the purpose of prostitution was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents during the year.

The Government continued to support the International Commission to Investigate the Crimes of Nazi and Soviet Occupation Regimes in Lithuania. The commission, which includes historians, human rights representatives, representatives of international Jewish organizations, and lawyers from Lithuania and a number of foreign countries, produced its first reports in the spring. The reports criticized the Ribbentrop-Molotov Pact, named the killers of Soviet prisoners of war during the Nazi occupation, and described the destruction of the independent Lithuanian Army by the Soviets in 1940-41.

In February an appeals court reduced the sentences of two of six persons guilty of complicity in the January 1991 coup attempt, and they were released shortly thereafter. In December the Supreme Court rejected the

appeals of all six. The defendants were former leaders and officials of the Lithuanian Communist Party who were convicted of crimes that included premeditated acts of murder and inflicting serious bodily harm.

On September 27, 2000, alleged war criminal Aleksandras Lileikis, the former head of the security police in the Vilnius district under Nazi control, died at age 93 without trial; his trial had been postponed several times due to his poor health. On February 14 a court found Kazys Gimzauskas, Lileikis' deputy, guilty of genocide during the Nazi occupation. The court closed the case but did not sentence Gimzauskas, who was judged to be mentally ill.

In 1999 the Prosecutor General's Office of Special Investigations filed genocide charges against Vincas Valkavickas, who returned to Lithuania in June 1999. In November the office temporarily suspended the case, pending additional information from the Israeli authorities. In 1999 a similar case was initiated against Petras Bernotavicius, a resident of the United States, who returned to Lithuania during the year. Also in 1999, a genocide case was initiated against Antanas Gudelis, an Australian citizen; however, he died in August 2001, and the case was closed in October. Also in 1999, the prosecutor launched an investigation into the role of Kazys Ciurinskas in a separate war-related criminal case but during the year determined that there was not enough evidence to bring charges against him. On March 26, the Justice Ministry asked the United Kingdom to extradite genocide suspect Antanas Gecevicius (Gecas), a resident of Edinburgh. A case against Gecevicius was brought in 1987 by Soviet authorities in Lithuania but was dropped the same year. It was reopened in 2000, when additional evidence came to light about his alleged participation in genocide in Lithuania and Belarus during World War II. Scottish authorities declined to extradite Gecas because of his poor health, and he died in September.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution specifically forbids torture; however, at times police beat or otherwise physically mistreated detainees. Press reports indicated that incidents of police brutality had decreased, and that victims were more willing to bring charges against police officers.

The Office of Inspector General (established in 1999) and the Internal Investigation Division at the Police Department investigate, on the orders of the Minister of Interior, abuses committed by the police. Prosecutors and the Parliament controller carry out independent investigations. During the first half of the year, the controllers investigated 86 complaints (37 of them deemed justified) about the activities of Interior Ministry personnel and the police (63 such complaints were found to have merit during the first half of 2000). In five cases of alleged police brutality, criminal charges were filed against police officers (compared with four such cases in 2000), and in a number of other cases, the controllers proposed to relevant institutions that they take action or amend laws. However, according to the Ministry of Interior, from January 2000 to July 2001, no police officers were convicted for abuse of power.

Noncommissioned military personnel committed human rights abuses by hazing recruits, despite efforts to end the practice, which was inherited from the former Soviet armed forces; however, as living conditions improved for military personnel, human rights violations committed by noncommissioned officers declined. From January to July, five criminal cases were filed for breach of discipline involving violence, compared to four cases in 2000. The Seimas Controller investigated two complaints of abuse of power in the armed forces and rejected them (in the same period of 2000, two out of seven investigated complaints were rejected). According to the Ministry of National Defense, most trauma inflicted on conscripts is psychological rather than physical. The Ministry believed that a lack of professionalism among noncommissioned officers--rather than ethnic, regional, or social factors--was a primary factor in cases of hazing, and it continued to work to improve their skills and judgment. In 1999 the Parliament approved a disciplinary statute for the armed forces, and the military police created by a 1998 law are charged with maintaining discipline. The disciplinary statute sets procedures for the investigation of disciplinary offences, provides for the right to appeal, and lists the types of punishments.

Prison conditions were poor and life threatening. During the year, 27 prisoners died (13 of natural causes, 13 by suicide, and 1 was killed, apparently by another prisoner) compared with 33 prison deaths in 2000. From January to October, prisoner complaints constituted a quarter of all complaints received by the Parliament controllers. The majority of complaints by detainees in police detention facilities were found to be justified. During the first half of the year, the Parliament controller investigated 53 complaints about abuses by Prisons Department personnel and found that 15 complaints were valid. During the year, there were 273 self-inflicted injuries (often to escape abuse from guards or fellow inmates), compared with 239 in 2000. The number of

criminal offenses committed in correctional institutions increased from 30 in 2000 to 34 during the year. Due to limited resources, 9 out of 14 correctional institutions were overcrowded, especially pretrial detention facilities. In 2000, as a result of the funding shortfall and overcrowding, Parliament passed a law on amnesty that reduced the number of prisoners and detainees from 15,000 to 12,730, while the sentences of 4,851 prisoners were reduced. At year's end, there were 11,566 prisoners, including 489 women, 295 juvenile men, and 4 juvenile women. The prisoner figure included 1,811 detainees, of whom 126 were women, and 170 were juveniles. Women and men are held separately; juveniles are held separately from adults; and pretrial detainees are held separately from convicted criminals.

Few prisoners were involved in meaningful activities: 30 percent of them perform paid labor, and 12 percent are involved in education. The law states that every prisoner must work, but jobs are few, and only those on good behavior and those willing to work receive this opportunity. As means of promoting future social integration, convicts can choose to work at nine companies and four production outlets set up at correctional institutions. They manufacture furniture, shoes, and electric appliances (mostly for the domestic market). The law also allows the employment of prisoners for cleaning prison premises as a disciplinary sanction, and allows the employment, as prison general service workers, of criminals convicted for the first time or for minor offense or for gross offenses for up to 3 years. These prisoner-workers live separately from other inmates and enjoy freedom of movement on the prison grounds. In October the director of Vilnius maximum security prison said that 93 prisoners (out of 1,579) worked as cooks, plumbers, and electricians.

The conditions in the poorly maintained police detention facilities also had not much improved (in 1999, the Parliament controller found that hygiene was poor and that individual's rights were violated in 40 out of 49 facilities).

Following a visit to confinement facilities in early 2000, the Council of Europe's Committee for the Prevention of Torture stated in October that a significant number of detainees reported mistreatment, abuse, violence, and even some cases of torture (mostly in the early phases of the detention process). Their living conditions were described as inhuman and degrading. The committee noted the significant role that public prosecutors and judges play in fighting torture and abuse and welcomed the fact that detainees have the right to inform a close relative of their situation, the right of access to a lawyer, and the right to health care.

The Government is attempting to reform the prison system with international assistance; however, progress has been very slow. The Prison Department at the Justice Ministry manages the correctional system. Funding covered only minimal needs (approximately \$0.60 or 2.23 litai) for 3 meals per prisoner per day; during the year, the budget allotted 4.55 percent less money for running 14 correctional institutions than in 2000. In September 2000, the Parliament adopted a new Criminal Code, which is expected to enter into force in 2003; together with the Code of Criminal Procedure and Code of Penal Enforcement, it aims to reduce the number of punishments that involve incarceration. The Government is reconstructing 2 additional correctional facilities, which are scheduled to house approximately 550 prisoners starting in 2004. The Government also was improving the living conditions of prisoners who committed offenses in correctional institutions and those sentenced for life.

In July the European Court of Human Rights (ECHR) awarded compensation to former prisoner Juozas Valasinas, who was sentenced in 1994 to 9 years in prison for taking part in the theft of firearms. The court ruled that the Government had violated the confidentiality of his correspondence and conducted degrading body searches. The court also found that Valasinas' needs and health were protected at the correctional institution, and the general conditions there conformed to the circumstances of his case. In order to investigate this case, representatives of the court visited Lithuania in May 2000.

The Government permits visits to prisons by independent human rights monitors, and there were such visits during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions; however, there were instances of prolonged pretrial detention.

Under the law, police temporarily may detain suspects for up to 48 hours, based upon reliable evidence of criminal activity and approval by an investigator or prosecutor. Pretrial detention applies only in the case of felonies and when it is impossible to prevent flight or to allow unhindered investigation. A local judge, acting on a prosecutor's request, may order longer pretrial detention, which can last up to 6 months and may be extended by a district judge using the same procedure for periods not to exceed 18 months in total (see Section 1.e.). On average detainees awaited trial for 5 months. In August there were no persons whose summary pretrial detention exceeded 18 months; however, there were 28 persons whose summary preverdict

detention exceeded 18 months. Their detention was extended by court every month. Bail in theory is available, but it is not used widely. It is expected that the parole and probation system will start to work when the new Criminal Code enters into force. The Constitution provides for the right to an attorney from the moment of detention (see Section 1.e.).

In June the amended 1997 Law on the Prevention of Organized Crime entered into force. Under the law, the court no longer may restrict certain freedoms (for example, personal contacts, contact places, and change of residence without prior notice) without "sufficient evidence" that a person is related to an organized crime group and is able to commit felonies.

In previous years, the ECHR ruled against the Government in several cases involving various breaches of conventions, laws, and regulations concerning arbitrary detention. In October the ECHR ruled that the Government had restricted the right to freedom of Arminas Grauzinis, convicted for hooliganism (he was released after serving his term). The ECHR also found that the Government unlawfully held Algis Grauslys, accused of financial swindling, and also stated that his right to investigation of action within a reasonable period of time was breached. In November 2000, the court also announced that it would try the case of businessman Arvydas Stasaitis, charged with large-scale financial crime, who complained that his entire period of detention (1996-2000) may have been unjustified.

The Constitution prohibits forced exile, and the Government does not use it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice.

The Constitution and the 1994 Law on Courts provide for a four-tier court system: The Supreme Court; the Court of Appeals; district courts; and local courts. The local courts are tribunals of first instance for all cases that are not assigned to some other court by law. The Constitution also provides for a Constitutional Court and specialized courts for administrative, labor, family, and other purposes.

The Constitutional Court, at the request of the President, members of the Parliament, the Government, or the judiciary, reviews the constitutionality of laws and other legal acts, as well as that of actions by the President and the Cabinet.

The main function of administrative courts is to investigate the legality and validity of administrative acts and conflicts in public administration and taxation. Administrative courts may perform judicial review of documents regulating the implementation of laws, except decisions by the Cabinet of Ministers. The creation of administrative courts in 1999 was a significant part of the reform of the judicial system; however, the reform remained incomplete. The Ministry of Justice continued to move towards a system of specialization of judges in district and local courts according to the types of cases.

There are no special family courts, but judges in the district courts hear juvenile criminal cases and cases related to children's rights (e.g., domestic adoption and paternity matters). The juveniles' criminal justice implementation program (1999-2002) works to make the juvenile punishment system more humane.

If the ECHR determines that Lithuanian courts have violated the European Convention on Human Rights, the Supreme Court Chairman may order a retrial of a case by the Supreme Court.

In July a new Civil Code entered into force that complies with the requirements of the European Convention on Human Rights and takes into account the jurisprudence of the ECHR. A new Criminal Code was scheduled to enter into force simultaneously with a Code of Criminal Procedure, which remained under preparation at year's end.

The Law on Commercial Arbitration provides for the establishment of arbitration institutions. The law provides for private dispute resolution by an arbitration tribunal, either organized by a permanent arbitration institution or by the parties themselves.

The Prosecutor General exercises oversight responsibility for the whole judiciary through a network of district and local prosecutors who work with investigators to prepare evidence for the courts.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforces this right. The Constitution provides for the right to legal counsel for defendants. In practice the right to counsel is

abridged by the shortage of trained lawyers, who find it difficult to cope with the burgeoning numbers of criminal cases brought before the courts. The law provides for legal assistance for indigent persons, but in practice such legal assistance is not always available. By law defense advocates have access to government evidence and may present evidence and witnesses. The courts and law enforcement agencies generally honor routine, written requests for evidence. By law a judge may decide to hold a closed trial in a limited number of circumstances.

The parliamentary ombudsman reported that there were many cases of prolonged pretrial detention without a judge's decision in violation of the law (see Sections 1.c. and 1.d.). According to the ombudsman, in a typical case, judges and prosecutors wrongly interpret the law to mean that pretrial detention can be extended automatically when a case is submitted to a court of law. For example, the pretrial detention of Parliamentarian Audrius Butkevicius, a former Minister of Defense who was charged in 1997 with several counts of corruption allegedly on the basis of false information from the State Security Department, was prolonged without the decision of a judge. In 1999 the Supreme Court rejected Butkevicius's appeal of his 1998 conviction. Butkevicius's lawyers appealed to the ECHR, and in September 2000 the Court agreed to review the case; but it had not been resolved by year's end. Butkevicius was released on March 20, 2000, after serving two-thirds of his 51/2-year jail term. He resumed his seat in the Parliament. However, the court decided that he had not completed the sentence at least 65 days before election day, and he was not allowed to be a candidate for the parliamentary elections in October 2000.

In October the ECHR found that the Government had denied the right of Henrikas Daktaras to an unbiased trial because the Chairman of the Supreme Court assumed the role of prosecutor in this case. In a separate development, Daktaras was released from prison a short time later, after serving more than 5 out of 71/2 years for extortion and victim intimidation.

In November the ECHR found that the Government had violated the right of former Prime Minister Adolfas Slezevicius to a speedy trial. Slezevicius was accused of abusing his position as Prime Minister when he withdrew his personal funds from a Lithuanian bank just before it failed. The criminal case against Slezevicius, which was started in 1996, had not reached trial after 4 years because of legal deficiencies and was dropped in April 2000.

In November 2000, the ECHR agreed to hear the case of former Kaunas police commissioner Satsys Sipavicius. Sipavicius spent 10 months in custody before his trial on charges of abusing his powers in a major smuggling case. He was sentenced to the 10 months served for neglecting his duties and released in court. Sipavicius complained that the charges against him suddenly were changed and that he had not had sufficient time to prepare a defense against the new charges.

In March approximately 11,500 farmers signed a letter to the ECHR stating that they had not received a fair court hearing on their complaint that the Government did not pay them subsidies that it was obliged to pay by its own regulations.

The prison department faulted a slow justice system that cannot bring cases to trial expeditiously for the pretrial detention problems. The Government continued to address concerns that periods of detention were excessive. The Prosecutor General continued to monitor the investigation of cases, and additional and better-qualified judges were hired. During the year, prosecutors began to monitor pretrial detention conditions.

Government rehabilitation of over 50,000 persons charged with anti-Soviet crimes during the Stalin era led to reports in 1991 that some persons who allegedly were involved with crimes against humanity during the Nazi occupation had benefited from this rehabilitation. A special judicial procedure was established in 1997 to examine each case in which an individual or organization raised an objection that a rehabilitated person may have committed a crime against humanity. During the first 8 months of the year, the Supreme Court overturned the rehabilitation of 28 persons (18 were overturned in 2000), thus making them ineligible for social welfare benefits.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, there were reports that the Government did not respect these provisions in practice. The authorities did not engage in indiscriminate or widespread monitoring of the correspondence or communications of citizens; however, with the written authorization of a prosecutor or judge, police and security service personnel may engage in surveillance and monitoring activities on the grounds of national security. Except in cases of hot pursuit or the danger of disappearance of evidence, police

must obtain a search warrant signed by a prosecutor before they may enter private premises.

It is assumed widely that law enforcement agencies have increased the use of a range of surveillance methods to cope with the expansion of organized crime. In July in the case of Juozas Valasinas v. Lithuania (see Section 1.c.), the ECHR found that officials in his correctional institution were reading his correspondence without the approval of the court. During the first half of the year, the Parliament controller confirmed a violation of prisoner's correspondence rights. Pursuant to a change in the law, since April prisoners' complaints to courts, the Parliament controller, and human rights groups have not been censored, and censorship of their private correspondence has been subject to stricter control by prison authorities.

Local media reported that the security services monitored the activities of the nongovernmental organization (NGO), Collegiate Association for the Research of the Principle, Jehovah's Witnesses, and a visiting member of the Russian Vissarion Church.

In May a member of the Parliament complained that a government agency had monitored his cell phone calls in 2000, when he was not yet a member of the Parliament; a printout of his calls were published in a national daily newspaper during a political dispute. In February a court began investigating two cases filed by a former prosecutor and a tax inspector who were fired from their positions due to their confessed collaboration with the KGB (the European Convention on Human Rights prohibits the retroactive application of the law).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice.

The censorship of either print or broadcast media and restrictions on disclosure are prohibited by the Constitution, unless the Government determines that national security is involved. Under the media law, the media created a special ethics commission and an ombudsman to address complaints and seek conciliation in potential libel cases. The Parliament established and funded the Ombudsman's Office.

The independent print media continued to flourish and included a wide range of newspapers and magazines. Radio and television included a mix of state and private stations. National television and radio were in the process of being transformed into an entirely public entity; however, attempts to make it independent financially from the Government lagged.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedoms of assembly and association, and the Government generally respects these rights in practice; however, the Communist Party of Lithuania and other organizations associated with the former Soviet regime continued to be banned.

c. Freedom of Religion

The Constitution provides for religious freedom, and the Government generally respects this provision in practice. The Constitution divides religious communities into state recognized traditional groups and others. However, in practice a four-tier system exists: Traditional, state recognized, registered, and unregistered communities. The law mentions nine religious communities that have been declared "traditional" and therefore are eligible for governmental assistance: Latin Rite Catholics; Greek Rite Catholics; Evangelical Lutherans; Evangelical Reformers; Orthodox; Old Believers; Jews; Sunni Muslims; and Karaites. The Law on Religious Communities and Associations stipulates that nontraditional religious communities may be granted state recognition if they are "backed by society" and have been registered in the country for at least 25 years. Both traditional and state recognized communities can receive state subsidies; they do not have to pay social and health insurance for clergy and other employees; their clergy and theological students are exempt from military service; and they are not subject to tax on such services as electricity, telephone, and heat. However, only traditional communities have the right to teach religion in state schools and buy land to build churches (other communities can rent it). Religious communities registered by the Ministry of Justice constitute the third status group; they do not receive subsidies, tax exemptions, social benefits, or military exemptions enjoyed by traditional and state recognized communities but can act as legal entities and thus rent land for religious

buildings. There are also unregistered communities. They have no juridical status or state privileges, but there were no reports that any such groups were prevented from worshiping or seeking members.

In 1999 the Parliament amended the Law on Religious Communities and Associations to provide funding from the national budget for educational institutions of traditional religious organizations. The Government Department of European Law warned publicly that this amendment discriminates in favor of traditional religious communities versus nontraditional; nevertheless the law entered into force in September.

Traditional religious associations and communities are not required to register their bylaws with the Ministry of Justice in order to receive legal status. However, nontraditional religious communities must present an application, a founding statement signed by no less than 15 members, and a description of their religious teachings and their aims. The Ministry must review the documents within 6 months. Since 1995 the Ministry of Justice has turned down two applications, those of the Osho Ojas Meditation Center and the Lithuanian Pagans Community. Both were rejected because the authorities concluded that these groups were nonreligious. They were advised to register as NGO's instead; the Osho Center did not register as an association, while part of the Pagan Community did.

In July the Parliament granted state recognition to the Lithuanian Baptists' Union, the first religious community to be given this status.

A 1995 law grants property rights to prayer houses, homes, and other buildings to religious communities.

In 2000 the Government established a commission to coordinate the activities of governmental institutions in order to investigate whether the activities of religious, esoteric, or spiritual groups comply with the law. The commission was established following some parliamentarians' calls for increased control of "sects," following negative coverage of some religious groups in the media. It included representatives of the Ministries of Justice, Interior, Education, Health, Foreign Affairs, the General Prosecutor's office, and the State Security Department. The Minister of Justice appoints the chairman of the commission. At year's end, the commission had taken no action and made no statements affecting specific religious groups.

Local media reported that the security services monitored the activities of the NGO Collegiate Association for the Research of the Principle, Jehovah's Witnesses, and a visiting member of the Russian Vissarion Church. In 2000 the Ministry of Justice warned the Collegiate Association for the Research of the Principle to discontinue its religious activities (they were proselytizing on behalf of the Unification Church, an activity that was not described in their own statutes and thus violated the Law on Public Organizations.)

Nontraditional foreign religious workers must obtain work permits, and in the past they faced difficult bureaucratic requirements in obtaining residence permits from officials who regard them as representatives of cults and sects; however, these problems were resolved during the year.

Under 1995 legislation on property restitution, the Catholic community has been more successful in having its property returned than the Jewish community. However, some religious property, including 26 synagogues, was returned to the Jewish community, mostly from 1993 to 1996. The law provides for the restitution of private property to individual citizens, but the deadline for filing claims has passed. A number of successful claims were made, and others remained pending. The lack of funds for compensation and protracted bureaucratic obstacles are the primary problems preventing the return of private property or compensation.

On April 18, the Vilnius First District Court ruled that the Vilnius City Council had violated the previous owners' and tenants' rights when returning four buildings to the Evangelical Lutheran Church in 1992 and 1993. The Court abrogated the decision of the Vilnius Council on Property Restitution. The Church appealed, asserting that it had owned the properties before they were nationalized in 1945 and that restitution had been carried out according to the law.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respects them in practice.

The law provides for the granting of asylum and refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In 2000 the Parliament abolished the Council of Refugee Affairs and established the Vilnius Administrative Court to hear asylum appeals. The Court receives assistance from the U.N. High Commissioner for Refugees (UNHCR). The Government cooperates with the office of the UNHCR and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise during the year. During the year, 425 persons (mostly from the Russian province of Chechnya and from Afghanistan) applied for asylum: 256 applied for refugee status and 169 for a residence permit on humanitarian grounds. During the year, 3 persons received refugee status,

266 were granted residence permits, 58 applications were rejected, and 97 cases were terminated. At year's end, 93 applications were pending.

In January the Government adopted new regulations on the living conditions of foreigners temporarily housed at the registration center for foreigners in Pabrade (89 individuals, including 15 children, lived there at year's end) and a refugee reception center for asylum seekers in the town of Rukla (which housed 140 persons, including 64 children, at year's end). Living conditions in both centers were good.

Over the last few years, irregular immigration decreased dramatically due to improved border control, stricter laws against human smuggling, and more effective detention and return of migrants to their countries of origin. During the year, the border police detained 107 illegal immigrants (compared with 100 in 2000). Over the same period, the border police reported 998 illegal border crossings, compared with 1,101 in 2000. During the year, the Border Police Department was reorganized into the State Border Protection Service under the Interior Ministry, which reduced the number of administrative personnel and military conscripts employed by the service.

However, illegal immigration from Afghanistan, India, and Sri Lanka increased during the year. The Government continued its efforts to stop illegal migrants by negotiating readmission agreements with Russia and Belarus, the two countries used by most migrants to reach Lithuania, but no progress had been made by year's end.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Of 141 seats in the Parliament, 71 are elected directly, and 70 are elected through proportional representation. Only those parties that receive more than 5 percent of the total ballots (or 7 percent for coalitions) are allowed representation in the Parliament.

In 1998 independent candidate Valdas Adamkus was elected President by a narrow margin. Presidential elections are held at least every 5 years. After the October 2000 general elections, Liberal Union Party leader Rolandas Paksas was sworn in as Prime Minister as part of a coalition Government; however, in June the coalition broke up. The new Union Party, the Liberals' major coalition partner, forged an alliance with the Social Democratic Party, and in July the leader of the Social Democratic Party and former President Algirdas Brazauskas was sworn in as Prime Minister.

The percentage of women in government or politics does not correspond to their percentage of the population, although there are no legal restrictions on their participation. There were 14 female parliamentarians in the 141-seat Parliament, elected in October 2000, compared with 24 in the previous Parliament. There are 3 female ministers in the new 14-member Cabinet, compared with 1 in the previous Cabinet.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views. Unlike in the previous year, the Ministry of Interior released information on police brutality and statistics on corruption-related incidents. The Association for the Defense of Human Rights in Lithuania, the Human Rights Association in Lithuania, and the Lithuanian Center for Human Rights are the major human rights groups.

The Division of Human Rights of the Department of International Law and European Integration in the Ministry of Justice monitors law and legal practice to determine whether they are in accord with the country's international obligations. The European Law Department of the Government also reviews draft legislation.

There are three ombudsman institutions. Established in 1995, the Parliament's controllers investigate complaints of the abuse of power by public servants. The controllers have the right to forward their cases for prosecution, to initiate a reprimand or removal from office of public servants, to initiate a compensation claim, to propose changes in laws and rules, and to inform the Parliament and the President about their findings. The Office of the Equal Opportunities Ombudsman, founded in 2000, exercises similar functions for complaints of discrimination and sexual harassment. The Office of the Ombudsman for Children's Rights, established in

2000, controls the implementation of relevant laws, oversees local children's rights protections services, and investigates complaints of abuse.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, religion, disability, or ethnic background; however, discrimination against women in employment and other areas persisted.

Women

Violence against women, particularly domestic violence, reportedly is common, especially in connection with alcohol abuse by husbands. Official statistics on the incidence of abuse of women in the home are not reported separately from other categories of assault. Institutional mechanisms for coping with this problem are developing slowly, and the law does not criminalize specifically domestic violence. If such violence takes place in the home, the victim must file a complaint. Few such complaints are filed, because women prefer to avoid publicity and are not confident that the courts will punish their assailants. Seven women's shelters provide assistance to victims of violence. The law specifically prohibits rape. According to one sociological survey published in 1997, 20 percent of women reported experiencing an attempted rape, while another 33 percent reported having been beaten at least once in their lives. During the first 6 months of the year, 70 rapes were registered, compared with 183 during the full year 2000. Persons convicted of rape generally receive sentences of from 3 to 5 years in prison.

Prostitution is illegal but not prohibited under the Criminal Code. The penalty for prostitution is limited to a fine of \$75-125 (300-500 litai) for a first offense. Trafficking in women for the purpose of prostitution is a problem (see Sections 6.c. and 6.f.).

The Constitution provides for equal rights for men and women; however, women continued to face discrimination. The Law on Equal Opportunities entered into effect in 1999. The Office of the Ombudsman for Equal Opportunities of Women and Men was established in May 2000, and the Parliament appointed lawyer Ausrine Burneikiene as ombudsman. The Ombudsman's Office is an independent agency, accountable to the Parliament, which oversees the implementation of the law and investigates complaints concerning violations of gender discrimination and sexual harassment. The ombudsman also has some enforcement powers in this regard, and the new Criminal Code contains criminal sanctions for discrimination or harassment.

Official policy specifies equal pay for equal work. Women make up about one-half of the employed population, and in the first quarter of the year, they received on average pay that was 82.2 percent that of male employees. Women are underrepresented significantly in some professions, business, and the managerial sector as a whole. Significant inequalities in society based on gender continued, and conservative views about the role of women persisted. In 1999 the Ministry of Education and Science abolished preferential university entrance criteria; since then the equal opportunities ombudsman has followed closely admission examinations to universities and found no violation of equal opportunity.

During the first 6 months of the year, the ombudsman received 33 complaints and initiated 8 investigations (during the same period in 2000, there were 41 complaints). Most of the complaints concern discrimination against men due to problems in legislation, and discrimination against women in the workplace. The ombudsman submitted amendments to the Labor Code and, together with women's organizations, launched a public awareness campaign late in the year. In 2000 the Government established a commission to coordinate policy on equal opportunities. During the year, the number of registered violations of the equal opportunities law by state institutions decreased substantially. However, enforcement of the law in private businesses remained a problem.

Children

The Government is committed to children's rights and welfare; it amply funds a system of public education and medical care. The Government provides compulsory, free, and nearly universal education for children through the age of 15 or ninth grade. In 1999 the proportion of children in this age group not attending school was 4 percent. In 2000 the Government launched the "yellow bus" program to provide school transportation for children in the countryside. The Government provides low-cost health care for all children. The new Civil Code (which entered into force in July) addresses relations between parents and children; however, the Government's commitment to children's rights is not fully reflected in its legislation and policy.

In 2000 the Government established an ombudsman for children's rights, and appointed Grazina Imbrasiene as its head. The ombudsman controls the implementation of relevant laws, oversees local children's rights

protection services, and investigates complaints. From January to July, the ombudsman received 68 complaints, mostly about the violation of foster family rules, improper activities of children's rights protection services, family matters, and violence against children. During the year, the ombudsman called for streamlining the children's rights protection system and mobilizing central government and local authorities to cope with growing juvenile delinquency and spreading drug addiction. In March the Government eliminated the Children's Rights Office in the Ministry of Social Security and Labor and divided its functions among the ombudsman's office and other services of the Ministry, including an adoption service. In 2000 the Ministry identified 36,856 children in abusive and dysfunctional families, a 44 percent increase since 1995. In July the head of a working team set up by the President in 2000 to improve the protection of children's rights called for the establishment of a central agency to oversee children's rights policy and coordinate central and local governments' efforts to combat child abuse; however, such an agency had not been created by year's end.

The introduction of stricter adoption procedures reduced the number of adoptions during 2000; however, they increased during the year, from 159 to 180, of which one-quarter were adoptions by foreigners. The system of state subsidies to foster families rather than to families adopting children increasingly was criticized. Approximately 7,000 children lived in institutions, and approximately 8,000 are in foster homes. In August the Parliament adopted a law on defending children against parental violence, which gives authorities the right to remove children from the family and place them in the care of a temporary guardian. The Government continued to replace the Soviet-style orphanage schools with residential homes, which permit children to attend regular schools.

Child abuse was a problem, as was child abuse in some state-run correctional institutions for children that housed approximately 130 children who committed crimes. In December "a punishment cell" was eliminated in one of these care houses, and a psychologist's post and a relaxation room were set up.

Child abuse in connection with alcohol abuse by parents also was a serious problem. The prevalence of authoritarian values in family upbringing discouraged more active measures against child abuse; however, the press reported increases in cruelty to children, including sexual abuse, intentional starvation, beatings, and killings. Authorities reported that three children were killed by their parents during the first 6 months of the year, and six were killed during 2000. The penalties for violence and cruelty against underage persons are prison terms of 1 to 2 years. The Ministry of Social Security and Labor started collecting information on child abuse.

The Penal Code provides for up to 3 years' imprisonment for sexual abuse and from 1 to 4 years' imprisonment for exploiting children in the production of pornography. There is no official data on the exploitation of children in pornography cases. During the first half of the year, the police registered 14 cases of sexual abuse of children (compared with 49 cases in 2000). In August the Minister of Social Security and Labor set up a commission to implement the national program against commercial sexual exploitation of children and sexual abuse. A government-run children's rehabilitation center provides special care for sexually abused children.

In February the U.N. Committee on the Rights of the Child criticized the widespread use of corporal punishment in families.

It is believed that several thousand children live "on the street." Approximately 60 local children's rights protection services across the country routinely identify these children and, if they do not have parents or if their parents abused their parental obligations, place them in foster homes or care institutions. In November the Ministries of Social Security and Labor, Education and Science, and Interior established an interdepartmental task force group charged with developing an "integrated settlement of problems of socially neglected children."

Trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

Persons with Disabilities

The Law on Integrating Disabled People provides for a broad category of rights and public benefits for persons with disabilities. The Law on Support for the Unemployed provides additional job security for such persons, while the Law on Special Upbringing gives children with disabilities access to regular schools and universities. However, the implementation of this law for the unemployed was restricted due to a lack of money.

During 2000 there were 205,890 adults and 13,857 children with disabilities. Many of them live in poverty because the state pension for a person with disabilities is lower than the minimum wage. Every local government runs home help services for persons with disabilities, and the central Government finances a

network of facilities for them, including daycare centers, state children care houses, and residential care homes for mentally ill adults. The Disabled Persons' Affairs Council, composed of members of disabled persons' organizations and the Government, grants government money to NGO's for various employment, education, rehabilitation, and other programs (\$5 million during the year).

Legal provisions for access to buildings for the disabled are in place but are not enforced widely; the vast majority of public buildings remain inaccessible.

Religious Minorities

There are generally amicable relations among the various religious communities, although members of religious minorities occasionally are subjected to acts of intolerance, such as insults. A certain level of anti-Semitic sentiment persisted in the country, reflected in sporadic public incidents of anti-Semitism and the sensationalist exploitation of anti-Semitism for commercial gain. In March the Lithuanian Jewish Community Board asked the Prosecutor General to drop its case against the daily newspaper *Lietuvos Aidas* after the director and editor in chief of the daily apologized for a series of anti-Semitic articles they had published in 2000. The President, the Prime Minister, and the journalists' union publicly condemned the articles.

National/Racial/Ethnic Minorities

Minority ethnic groups—including Russians, Poles, Belarusians, Ukrainians, Tatars, and Karaites—make up approximately 20 percent of the population. Members of the Polish Parliament criticized the Government in 2000 over alleged discrimination against the Polish minority (e.g., in school exams and the spelling of names). The Government has established a public center for the Romani community in Vilnius. In October Open Society Institute experts commended the government Program for the Integration of Roma into Lithuanian Society, 2000-2004, but said that the program had been developed without adequate consultation with the Romani community and did not acknowledge or address the existence of discrimination against Roma. The government program focuses on eradicating illiteracy among Romani adults and teaching Romani children. Pursuant to the program, a community school was established.

The Penal Code provides for a sentence of from 2 to 10 years' imprisonment for the incitement of racial or national hatred or incitement of violence against foreigners. This law has been used to discourage racial and national hatred, such as in the *Lietuvos Aidas* case (see Section 2.a.). In November the State Security Department launched an investigation into activities of a group of young persons in Mazeikiai (North Lithuania) suspected of desecrating a Jewish cemetery, studying Nazi ideology, and attempting to create a pro-Nazi organization. However, in its report on minority rights in 10 European Union candidate states, the Open Society Institute stated that Lithuania does not have a comprehensive antidiscrimination law that expressly prohibits discrimination in specific areas of public activity.

Many nonethnic Lithuanian public sector employees by law are required to attain a functional knowledge of the Lithuanian language within several years, although the authorities have been granting liberal extensions to this requirement. In the first half of the year, 252 persons took the language portion of the citizenship test, and 221 persons passed. From January to August, 307 persons were naturalized (about the same number as in previous years). There was no documented evidence of job dismissals based on the language law. The authorities indicated that the intent of the law is to apply moral incentives to learn Lithuanian as the official language of the State; they asserted that no one would be dismissed solely because of an inability to meet the language requirements.

Section 6 Worker Rights

a. The Right of Association

The Constitution and the Law on Trade Unions recognize the right of workers and employees to form and join trade unions, and workers exercise this right in practice. The Law on Trade Unions extends this right to members of the police and the armed forces. In May the Parliament ratified most but not all articles of the European Social Charter, including the right to organize. Lithuania did not ratify the clause recognizing the right to submit collective complaints to the Secretary General of the Council of Europe.

According to the law, unions, in order to be registered, must have at least 30 founding members in large enterprises or have a membership of one-fifth of all employees in small enterprises. Individuals employed in places where there is no trade union are free to join an established regional trade union, but this practice is not widespread.

From 10 to 20 percent of all enterprises have trade unions, and approximately 10 to 15 percent of the workforce is unionized. There are four major trade union associations: The Lithuanian Trade Union Center (LTUC, with approximately 100,000 members), the Lithuanian Workers' Union (LWU, 50,000), the Association of Lithuanian Trade Unions (ALTU, 40,000), and the Lithuanian Work Federation (LWF, 15,000). They all work within the Trilateral Commission, which brings together labor groups with representatives of employers' organizations and the Government. The LTUC and the ALTU announced plans to merge, but had not done so by year's end.

The Constitution and the Law on Trade Unions provide for the right to strike, although public workers in essential services may not do so. During the year, there were 34 strikes, including 29 "warning" strikes (the corresponding figures for the full year 2000 were 56 and 21). Many of the strikes took place in the public service sector, mostly by teachers over back wages and employees of municipal transport companies over low wages. In March the Education and Science Ministry and the National Education Workers trade union formed joint teams to work out regulations governing labor relations, professional training, and the enforcement of civil service law.

There are no restrictions on unions affiliating with international trade unions, and some unions have affiliated with European Unions.

b. The Right to Organize and Bargain Collectively

The Collective Agreements Law provides for collective bargaining and the right of unions to organize employees; however, it does not allow collective bargaining by government employees involved in law enforcement and security-related work. In October the Parliament amended the law and provided trade unions the right to negotiate nationwide, branch, and territorial collective agreements. However, collective negotiations regarding labor relations, including wages, are not very widespread. Workers often take their complaints directly to their employers. Wage negotiations are more common in enterprises that have trade unions.

In 2000 the Parliament passed the Law on Settlement of Labor Disputes, which establishes minimum conditions and procedures for investigating individual labor disputes. Trade union leaders claim that this law prevents unions from investigating labor disputes in the workplace. Difficulties commonly arise in state enterprises in which employees are represented by more than one union. LWU officials charge that managers in some companies discriminated against LWU organizers and dismissed employees in retribution for their trade union activities. The LWU also charged that the judicial system was slow to respond to LWU grievances regarding dismissals from work.

In general managers often determine wages without regard to trade union preferences, except in larger factories with well-organized trade unions. The Government periodically issues guidelines for state enterprise management in setting wage scales. The trade unions engage in direct collective bargaining over wages at the workplace level. Wage decisions are made mostly at the enterprise level. Trade unions supplement their bargaining activities with active lobbying of Parliament and the Government.

In February the International Confederation of Free Trade Unions (ICFTU) stated that the Government's plan to amend the employment contracts law (allowing wider application of fixed-term contracts, lower leave pay, and ability to fire employees without the consent of the trade union), if implemented, would violate the right of trade unions to bargain for collective agreements. Nevertheless the amendments came into effect in March. The LWU representatives also charged that the new Civil Code, effective since July, might strip trade union associations of legal status. They also stated that trade union lawyers cannot defend union members in labor cases, and that there are no special labor courts.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution specifically prohibits forced labor; however, trafficking in women and girls for the purpose of forced prostitution was a problem (see Section 6.f.). In addition during the first half of the year, the Parliament controller found that two complaints from prisoners about poor work conditions and forced unpaid work had merit (see Section 1.c.). In February the media reported that the local police had been ignoring complaints of several individuals who were forced to work for no pay at a rural farm.

The Constitution prohibits forced or bonded labor by children; however, trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age for employment of children without parental consent is 16 years; with the written consent of parents it is 14 years. Complaints about the infringement of child labor regulations are referred to local prosecutors who investigate and take legal action to stop violations. Child labor problems appeared to be rare.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

The Constitution specifically prohibits forced or bonded labor by children; however, girls were trafficked for the purpose of prostitution (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work

The legal minimum wage has been set at \$107.50 (430 litas) per month since June 1998; it does not provide a decent standard of living for a worker and family. Enforcement of the minimum wage is almost nonexistent, in part because the Government does not want to exacerbate unemployment. Every 3 months, the Council of Ministers and the Ministry of Social Security must submit their minimum wage proposals to the Parliament, which has the right to approve or revise the minimum wage level. According to the Ministry of Economy, the average gross wage in the first quarter of the year was \$260 (1,041 litas) per month, a 3 percent decrease since the corresponding period of 2000. For a majority of the population, living standards remained low. The poorest 10 percent of households spend approximately 64 percent of their income on food. The 40-hour workweek is standard by law, with at least one 24-hour rest period, and there are laws on overtime and vacation.

The Constitution provides that workers have the right to safe and healthy working conditions, and the State Labor Inspection Service is responsible for implementing the Labor Safety Law. During the first half of the year, the Labor Inspection Service received 1,965 complaints and declarations (3,529 in the year 2000), of which 65 percent were found to have merit. Of the issues addressed, 89 percent concerned abuses of labor laws (60 percent with merit), and 7 percent dealt with working conditions (47 percent with merit). The most numerous abuses included wage arrears, illegal employment (working without a written contract), the violation of labor contracts, time off and work time accounting, harmful working conditions, and the unsatisfactory investigation of accidents. Workers have the right in law and practice to remove themselves from dangerous work environments without jeopardy to their continued employment.

In 2000 a new Law on Employees' Safety and Health entered into force that sets out the rights of workers facing hazardous conditions and provides legal protection for workers who file complaints. Also in October 2000, a new Law on Oversight of Potentially Dangerous Equipment was enacted. Both laws comply with European Union directives. In January the Government issued new regulations that gave labor inspectors greater authority in investigating accidents. In July the Government approved regulations on workers' safety when handling chemical substances and substances causing cancer and mutations.

The labor laws protect foreign workers.

f. Trafficking in Persons

The Criminal Code prohibits trafficking in persons; however, trafficking in women and girls for the purpose of prostitution was a problem.

The country primarily is a country of origin, and to a lesser extent a transit country, and destination for trafficking in women and girls. Germany, France, Israel, the Netherlands, Denmark, and Austria were major destinations, based on the statistics of women subsequently deported from these countries to Lithuania. Women from Lithuania are trafficked mostly to Western Europe and the Middle East. Women and girls from Belarus, Russia (Kalingrad District), Latvia, and the Lithuanian countryside are trafficked to the major cities in Lithuania. From 1997 to 2000, approximately 80 percent of the 110 young females returned to Lithuania (who passed through the NGO Missing Persons Families' Support Center) were victims of trafficking, and approximately one-quarter of them were under 18. Some victims were trafficked farther to Western Europe and elsewhere.

A number of women, some underage, have been enticed or forced into prostitution and sold abroad by organized crime figures. Traffickers particularly target the socially most vulnerable groups: Young females from poor, asocial, or unstable families. Many are lured by deceptive offers of jobs such as household helpers, bar dancers, or waitresses. Women also are tricked into prostitution through false marriage advertisements.

Victims' compliance is ensured via threats and the withholding of their documents. Their families often are unaware of their predicament and believe that they have been kidnaped. However, it is difficult to determine what percentage were enticed or coerced and how many departed voluntarily.

A 1998 law criminalizes trafficking in persons for purposes of sexual abuse: The penalty is 4 to 8 years' imprisonment. The penalty is increased from 6 to 12 years if the crime was repeated, premeditated, and committed by a dangerous criminal or against juveniles. Additional punishment, such as confiscation of property, may also be applied. During the year, the police investigated 14 cases of trafficking in persons (4 cases in 2000). In 2000 two cases had reached the courts: In one case the suspect fled; in the other, the court ordered the trafficker committed to psychiatric care. In the former case, a young woman was lured abroad by the promise of better pay in foreign hotels and bars but was forced to work as a prostitute in Spain. She was the first victim to sue the traffickers and to speak out about the problem in public. Several other victims were witnesses in the case.

NGO experts consider government efforts to prevent trafficking in persons and search for missing persons to be inadequate. A limited number of police agents are involved in investigating trafficking cases. An interministerial commission is scheduled to coordinate the implementation of the antitrafficking program for 2002-04, and a higher level committee will deal with a broader range of trafficking-related issues. Five officers from the Office of Criminal Business Investigation at the Organized Crime Investigation Service of the Police Department and the Ministry of Interior are directly involved in antitrafficking activity. These services also exchange relevant information with the Border Police, Customs, the Prosecutor General's Office, Special Investigation Service, State Security Department, and the Ministry of Defense. In July 2000, the border police were instructed to pay more attention to young persons, particularly females, traveling abroad. Since 2000 the Government has collected statistics on deported persons. There is no direct evidence that government authorities or individual members of government forces facilitate, condone, or otherwise are complicit in human trafficking activities. However, the customs and border guards are believed to be very corrupt, and human right groups blame them for neglecting the fight against trafficking.

There are no specific government assistance programs for victims of trafficking; however, the police offer protection for witnesses. Government agencies and NGO's encourage victims to file civil suits or to seek legal action against traffickers. There has been no prosecution of trafficking victims for violations of other laws, such as those governing immigration or prostitution, but the law does not guarantee safety for victims in this regard.

In October the International Organization for Migration (IOM) launched an information campaign to raise awareness and help prevent trafficking in women. According to the IOM, approximately 9 percent of Lithuanian youth have directly or indirectly been exposed to the trade in women and trafficking of persons abroad to work as prostitutes.

The Pedagogic Psychology Center of the Education Ministry conducts preventive work among potential victims of sexual abuse and trafficking. The Ministry prepared informational material on sexual abuse against children for teachers and parents. Problems of trafficking are discussed during ethics and religion classes in the schools. Over the past several years, a number of antitrafficking campaigns were carried out by NGO's, such as the Missing Persons Families' Support Center and Praeities Pedos (Footsteps of the Past), and the media. Starting in 1997, the support center has organized annual conferences on trafficking, sponsored and supported by the Government, the European Union, local and foreign associations, and NGO's. Praeities Pedos made an antitrafficking video, which was shown in schools across the country, and carried out several research projects on trafficking in women.

The Government and foreign donors provided financial assistance for the support center, which has branches in several cities in addition to Vilnius. In June the support center opened a shelter and helps victims to access legal and psychological services via a network of volunteers, monasteries, and orphanages. The support center is the only NGO providing assistance and counseling for victims of trafficking. The NGO Demetra provided medical assistance in Vilnius for women engaged in prostitution.